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On Aug. 6, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Julie Taylor Clough

Attorney Docket: 20366-077610US

**RECEIVED**

AUG 13 2004

Technology Center 2100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Richard Cerami

Application No.: 09/921,283

Filed: October 1, 2001

For: Proactive Repair Process In The  
xDSL Network (With A VDSL Focus)

Examiner: Nadeem Iqbal

Art Unit: 2114

**DECLARATION UNDER  
37 C.F.R. § 1.131**

Sir:

I, Richard Cerami declare as follows:

1. I am a co-inventor on the referenced patent application.
2. I understand that all pending claims are currently rejected as being obvious over Greenwald et al. (U.S. Patent Publication No. 2003/0149919).
3. Embodiments of the pending claims were conceived of before May 5, 2000, the filing date of Greenwald et al. Evidence of conception is shown in Exhibit A, which is a presentation entitled "VDSL Systems Strategy Report: VDSL Systems Strategy, VDSL Blueprint, Frameworks, and Organization" submitted by me, Richard Cerami, and other joint inventors. This presentation was presented by me, Richard Cerami, on March 12, 2000. This presentation

is also found in the provisional application (Application No. 60/222,791) that the present application claims priority from.

4. The presentation describes the embodiments of the present invention that are described in the present application.
5. As shown by Exhibit A, I believe that embodiments of the present invention were conceived before May 5, 2000, the filing date of Greenwald et al.
6. The acts relied on in this Declaration (and described in the Exhibits) took place in a WTO country.
7. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the application or any patent issuing thereon.

  
\_\_\_\_\_  
Richard Cerami

7-21-04  
Date